IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Bail Appl..No. 7151 of 2007(N)

CMP.2771/2007 of J.M.F.C., MANNARKAD
CRIME NO.120/05 OF NATTUKAL POLICE STATION, PALAKKAD

.....

: PETITIONER/ACCUSED NO.9:

SHRI NOORUDEEN, AGED 36 YEARS,
S/O. ABDUL RAHIMAN, PALIYATHAZHATH HOUSE,
OORAKAM DESOM, THRISSUR DISTRICT.

BY ADV. SRI.M.H.HANIL KUMAR
SRI.A.P.VASAVAN

RESPONDENTS: COMPLAINANT/STATE:

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1. SUB INSPECTOR OF POLICE,
NATTUKAL POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM,
COCHIN-682031.

2. CIRCLE INSPECTOR OF POLICE,
MANNARKKAD POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM,
COCHIN-682031.

3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7151 of 2007

Dated this the 23rd day of November, 2007

ORDER

Application for regular bail. The petitioner faces allegations in a crime registered under Section 395 I.P.C. The incident took place on 24.06.05. The petitioner was brought on the array of accused only on 4.4.06. The petitioner was arrested on 1.10.07. He continues in custody. His earlier application for bail was dismissed by this Court as per order dated 29.10.07 in B.A.No.6510 of 2007. Investigation is in progress. The petitioner continues in custody.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He may now be enlarged on bail, it is prayed. The counsel relies on the circumstance that in the F.I.R, there is suggestion of involvement of only 7 persons. He further submits that according to the prosecution now, the petitioner was only the driver of the vehicle. Some of the co-accused arrested have already been enlarged on bail. The petitioner was brought on the array of accused only on 4.4.06, even though the incident had allegedly taken place on 24.06.05. In these circumstances, the petitioner may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the petitioner has one more case under Section 399 I.P.C pending against him. Investigation is not complete. Accused 3, 7 & 10 are yet to be arrested.

Investigators may be given reasonable time to complete the investigation. The petitioner may not be enlarged on bail, submits the learned Public Prosecutor.

4. I have adverted to facts in the earlier order referred above. It is not necessary for me, in these circumstances, to advert to facts in any greater detail in this order. This order must be read in continuation of the said order.

5. Having considered all the relevant inputs, I am satisfied that the petitioner does not deserve to be enlarged on bail at this stage. In coming to this conclusion, I have taken note of the nature and gravity of the allegations raised, the quantum and quality of the materials collected as also the stage of investigation. I agree with the learned Public Prosecutor that the Investigators must be given reasonable further time to complete the investigation.

6. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 07.12.2007. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-